



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-160
Regulation title	Fee Requirements for Processing Applications
Document preparation date	April 20, 2005

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 21 (2002) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

The source of legal authority for the regulation is § 63.2-1700 of the Code of Virginia. The State Board of Social Services is authorized to promulgate regulations and schedules for fees to be charged for processing applications. The authority is mandatory. The regulation does not exceed the minimum requirements of the state mandate.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There is no alternative because the Code of Virginia mandates the State Board of Social Services to establish regulations and schedules for fees to be charged for processing licensing applications.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation is intended to establish standards and schedules for collecting fees for processing licensing applications. The fees are to be used for training staff and employees of assisted living facilities, adult day care centers, and child welfare agencies. Training for staff and employees ultimately has a positive impact on the safety and welfare of those served by assisted living facilities, adult day care centers and child welfare agencies. The regulation is clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends that the regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

The regulation should have a positive impact on families of children and adults who are provided care in licensed facilities. The collection of fees results in training for staff of these facilities, which should enhance the care provided.